



S/N 09/306,605

DECLARATION: PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel J. Thomsen et al.

Examiner: Michael J. Simitoski

Serial No.: 09/483,164

Group Art Unit: 2134

Filed: January 14, 2000

Docket: 105.174US1

Title: LOCALLY ADAPTABLE CENTRAL SECURITY MANAGEMENT IN A
HETEROGENEOUS NETWORK ENVIRONMENT

DECLARATION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. 1.47(a) and 35 U.S.C. 116, second paragraph, Applicants submit this Petition seeking permission to file the Declaration under 37 CFR § 1.131 in the above-identified application without the signature of the co- inventor who has failed to execute the Declaration under § 1.131:

Inventor: Jessica Bogle

Last known address: 15257 72nd Ave N. Maple Grove, MN 55311

As set forth in more detail in the attached Affidavit of Amy Moriarty, Applicants' legal representatives have made *bona fide* and diligent attempt to present the application as filed and the corresponding Declaration under § 1.131 to the unavailable inventor, Jessica Bogle, for her signature.

The below-signed attorney, Paul Urbanski, is a patent attorney employed by the firm of Schwegman, Lundberg, Woessner & Kluth, P.A. ("SLWK"). SLWK represents Secure Computing Corporation (the Assignee). Jessica Bogle is not presently employed by Secure Computing Corporation.

DECLARATION UNDER 37 C.F.R. § 1.47(a)

Page 2

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Title: LOCALLY ADAPTABLE CENTRAL SECURITY MANAGEMENT IN A HETEROGENEOUS NETWORK ENVIRONMENT

The Commissioner is authorized to charge Deposit Account No. 19-0743 in the amount of \$130.00 for the petition fee as set forth under 37 CFR 1.17(h) and for any additional fees or credits.

Respectfully submitted,

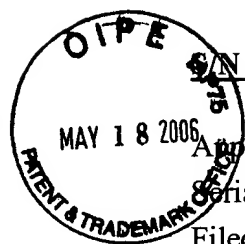
Date *May 15, 2006*

By

Paul J. Urbanski

Paul J. Urbanski

Attorney (Reg. No. 58,351)



S/N 09/306,605

DECLARATION: PATENT APPLICATION
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Inventor: Daniel J. Thomsen

Last known address: 3565 Cleveland St. NE, Minneapolis, MN 55418

As set forth in more detail in the attached Affidavit of Paul Urbanski, Applicants' legal representatives have made *bona fide* and diligent attempt to present the application as filed and the corresponding Declaration under § 1.131 to the unavailable inventor, Daniel J. Thomsen, for his signature.

The below-signed attorney, Paul Urbanski, is a patent attorney employed by the firm of Schwegman, Lundberg, Woessner & Kluth, P.A. ("SLWK"). SLWK represents Secure Computing Corporation (the Assignee). Daniel J. Thomsen is not presently employed by Secure Computing Corporation.

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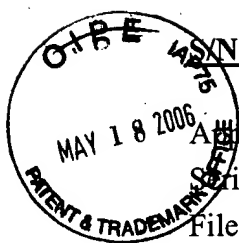
Date *May 15, 2006*

By

Paul J. Urbanski

Paul J. Urbanski

Attorney (Reg. No. 58,351)



US/N 09/306,605

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel J. Thomsen et al.

Examiner: Michael J. Simitoski

Serial No.: 09/483,164

Group Art Unit: 2134

Filed: January 14, 2000

Docket: 105.174US1

Title: LOCALLY ADAPTABLE CENTRAL SECURITY MANAGEMENT IN A
HETEROGENEOUS NETWORK ENVIRONMENT

DECLARATION OF AMY MORIARTY IN SUPPORT OF RULE 1.47(a) PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Amy Moriarty declare as follows:

1. I am a Paralegal employed by the firm of Schwegman, Lundberg, Woessner & Kluth, P.A., which represents Secure Computing Corporation in the above-referenced patent application.

2. I was given a Declaration under 37 C.F.R. § 1.131 from attorney Paul Urbanski to send to all of the inventors for the above matter for their review and signature. The list of inventors for this matter includes Jessica Bogle, Charles Payne, Richard O'Brien, and Daniel J. Thomsen. On March 10, 2006, a package that included the Declaration under 1.131, a copy of the application filed on January 14, 2000, including the specification, claims and drawings, and a copy of each reference listed in the declaration under 1.131, and a letter signed by myself, was prepared and sent to Jessica Bogle at her last known address (1703 Elm St., White Bear Lake, MN 55110) via Federal Express. The letter requested that Jessica Bogle sign and return the document to my attention. Attached hereto as Exhibit A is a true and accurate copy of the letter. Also attached hereto as Exhibit B is a copy of the Federal Express Track for this shipment.

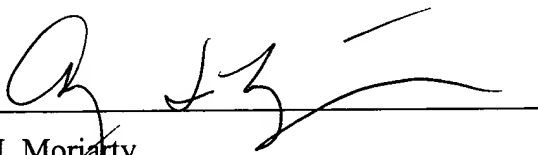
3. On March 15, 2006 the Federal Express package was returned with the indication that Jessica Bogle had moved to 15257 72nd Ave N., Maple Grove, MN 55311. This package was then re-sent to that address via Federal Express. This package was delivered to the new

address on Mach 17, 2006. Attached hereto Exhibit C is a copy of the Federal Express Track for this shipment.

4. On May 11, 2006, I tried to contact Jessica Bogle using her last known phone number (651-779-4351) and was unsuccessful in reaching her. I then called for information for the Maple Grove, MN area (411) and was given a new number of 763-420-7818. When I called this new number, I left a message on the voicemail machine to have Jessica Bogle call me back and I have not received a response.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any United States patent issued thereon.

Date: May 15, 2006



Amy J. Moriarty

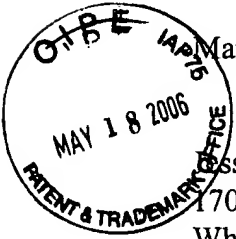
Exhibit A

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH
Intellectual Property Attorneys

PATENT PROTECTION FOR HIGH TECHNOLOGY

Paul Urbanski - (612) 371-2172 - Direct Dial
purbanski@slwk.com

Amy J. Moriarty - (612) 371-2127 - Direct Dial
amoriarty@slwk.com



March 10, 2006

Via FedEx

Jessica Bogle
1703 Elm St.
White Bear Lake, MN 55110

Charles Payne
4906 Pinecroft Ct. N
Stillwater, MN 55082

Richard O'Brien
9709 Oliver Ave. N
Brooklyn Park, MN 55444

Daniel Thomsen
3565 Cleveland St. NE
Minneapolis, MN 55418

Re: Docket # 105.174US1 - **Secure Computing Corporation Ref. No. Projects Napoleon**
U.S. Patent Application Serial Number: 09/483,164
Title: **LOCALLY ADAPTABLE CENTRAL SECURITY MANAGEMENT IN A
HETEROGENEOUS NETWORK ENVIRONMENT**

Dear Inventors:

You are all listed as inventors for the above identified patent application that was filed by our law firm on January 14, 2000. In order for us to respond to the Patent Office, we need you to review and sign the enclosed declaration.

I have also included a copy of the application as filed and the references as listed on the declaration for you to review.

Please return the signed declaration as soon as possible. For your convenience, I am enclosing a prepaid FedEx envelope addressed to my attention.

If you have any questions regarding this matter, please contact Paul Urbanski at (612) 371-2172.

With kind regards,

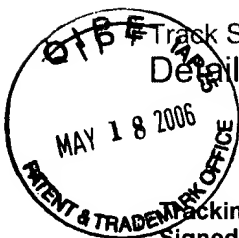
Amy J. Moriarty
Paralegal

Enclosures

cc. Mary Budge (w/o enc.)



Exhibit B

Track Shipments
Detailed Results[? Quick Help](#)

| | | | |
|-----------------------|---------------------------|---------------------|---------------------|
| Packing number | 790843625425 | Reference | 105.174US1 Moriarty |
| Signed for by | Signature release on file | Destination | White Bear Lake, MN |
| Ship date | Mar 10, 2006 | Delivered to | Residence |
| Delivery date | Mar 13, 2006 9:05 AM | Service type | Priority Pak |
| | | Weight | 1.0 lbs. |

| | |
|---------------|-----------|
| Status | Delivered |
|---------------|-----------|

| Date/Time | Activity | Location | Details |
|-----------------------|---|---------------------|---|
| Mar 15, 2006 12:36 PM | Package returned to shipper | WHITE BEAR LAKE, MN | Return tracking number: 854258075457 |
| Mar 13, 2006 9:05 AM | Delivered | White Bear Lake, MN | Left at front door. Package delivered to recipient address - release authorized |
| | 8:13 AM On FedEx vehicle for delivery | WHITE BEAR LAKE, MN | |
| Mar 11, 2006 7:30 AM | At local FedEx facility | WHITE BEAR LAKE, MN | Package not due for delivery |
| | 5:18 AM At dest sort facility | MINNEAPOLIS, MN | |
| Mar 10, 2006 11:23 PM | At local FedEx facility | MINNEAPOLIS, MN | |
| | 10:42 PM At dest sort facility | MINNEAPOLIS, MN | |
| | 8:25 PM Left origin | MINNEAPOLIS, MN | |
| | 4:36 PM Picked up | MINNEAPOLIS, MN | |
| | 3:44 PM Package data transmitted to FedEx | | |

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name: Your Email Address:

Email address

Language

Exception updates

Delivery updates

| | | | |
|----------------------|---------|--------------------------|--------------------------|
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

Jessica Bogie

Track Shipments
Detailed Results

Quick Help

| | | | |
|------------------------|----------------------|---------------------|-------------------------|
| Tracking number | 854258075457 | Reference | 7908 4362 5425 |
| Signed for by | R.MORRIS | Delivered to | Receptionist/Front Desk |
| Ship date | Mar 15, 2006 | Service type | Express Saver Pak |
| Delivery date | Mar 16, 2006 9:15 AM | Weight | 1.0 lbs. |
| Status | Delivered | | |

| Date/Time | Activity | Location | Details |
|--------------|----------|-------------------------------|---------------------|
| Mar 16, 2006 | 9:15 AM | Delivered | |
| | 8:28 AM | On FedEx vehicle for delivery | MINNEAPOLIS, MN |
| | 6:53 AM | At local FedEx facility | MINNEAPOLIS, MN |
| | 1:54 AM | At dest sort facility | MINNEAPOLIS, MN |
| Mar 15, 2006 | 11:53 PM | At local FedEx facility | MINNEAPOLIS, MN |
| | 9:17 PM | At dest sort facility | MINNEAPOLIS, MN |
| | 8:10 PM | Left origin | WHITE BEAR LAKE, MN |
| | 12:41 PM | Picked up | WHITE BEAR LAKE, MN |

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception
updatesDelivery
updates

English

☐
☐

English

☐
☐

English

☐
☐

English

☐
☐
Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or
non-English characters.
☐
By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

Exhibit C

Track Shipments
Detailed Results Quick Help

| | | | |
|------------------------|---------------------------|---------------------|---------------------|
| Tracking number | 791409059416 | Reference | 105.174US1 Moriarty |
| Signed for by | Signature release on file | Destination | Maple Grove, MN |
| Ship date | Mar 16, 2006 | Delivered to | Residence |
| Delivery date | Mar 17, 2006 10:19 AM | Service type | Priority Pak |
| | | Weight | 1.0 lbs. |

Status Delivered

| Date/Time | Activity | Location | Details |
|-----------------------|---|-----------------|---|
| Mar 17, 2006 10:19 AM | Delivered | Maple Grove, MN | Left at front door. Package delivered to recipient address - release authorized |
| | 8:09 AM On FedEx vehicle for delivery | MAPLE GROVE, MN | |
| | 12:09 AM At local FedEx facility | MINNEAPOLIS, MN | |
| Mar 16, 2006 9:56 PM | At dest sort facility | MINNEAPOLIS, MN | |
| | 8:08 PM Left origin | MINNEAPOLIS, MN | |
| | 4:51 PM Picked up | MINNEAPOLIS, MN | |
| | 9:42 AM Package data transmitted to FedEx | | |

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name: Your Email Address:

| Email address | Language | Exception updates | Delivery updates |
|----------------------|----------|--------------------------|--------------------------|
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="text"/> | English | <input type="checkbox"/> | <input type="checkbox"/> |

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit



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DECLARATION OF PAUL URBANSKI
IN SUPPORT OF RULE 1.47(a) PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, Paul J. Urbanski, declare as follows:
2. I am presently an attorney with Schwegman, Lundberg, Woessner and Kluth, P.A. (hereinafter SLWK). SLWK represents the Assignee of the above identified patent application, Secure Computing Corporation (hereinafter, the Assignee). The Assignee is a corporation and has a place of business located at 2340 Energy Park Drive, St. Paul, Minnesota 55108-1511.
3. I attest to the best of my knowledge, information, and belief that Mr. Daniel J. Thomsen is an inventor in the above-identified patent application.
4. I attest to the best of my knowledge, information, and belief that Mr. Thomsen's address is 3565 Cleveland St. N.E., Minneapolis, MN 55418.
5. During a phone conversation with Mr. Thomsen on May 9, 2006, Mr. Thomsen indicated to me that he would not cooperate in further prosecution of the above-identified patent application, including not signing the Declaration of Prior Invention under 37 C.F.R. § 1.131. The reason given by Mr. Thomsen is that because he is no longer employed by the Assignee, he has no interest in further pursuing the patent application.

DECLARATION OF PAUL URBANSKI IN SUPPORT OF RULE 1.47(a) PETITION

Page 2

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6. I submit, for the foregoing reasons, that the Non-Signing Inventor's conduct constitutes proof of a refusal to cooperate in further prosecution of the patent application.

Respectfully submitted,

Date *May 15, 2006*

By

Paul J. Urbanski

Paul J. Urbanski

Attorney (Reg. No. 58,351)